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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
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6 PLAYUP, INC.,
7 Plaintiff(s),
8 v.
9 DR. LAILA MINTAS,
10 Defendant(s).

Case No. 2:21-cv-02129-GMN-NJK

Order

[Docket No. 510]

11 Pending before the Court is Defendant's motion to seal filed in conjunction with her motion
12 to compel forensic examination. Docket No. 510; *see also* Docket Nos. 550, 568 (corrected
13 images). Sealing is warranted upon a particularized showing of good cause. *Kamakana v. City &*
14 *County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). This sealing request is predicated on
15 the fact that PlayUp and non-party FTX designated 20 exhibits as confidential pursuant to the
16 stipulated protective order. *See* Docket No. 568 at 2.

17 With respect to exhibit 33, PlayUp explains that the exhibit includes discussion of sensitive
18 settlement provisions that the Court has already found good cause to seal earlier in the case. *See*
19 Docket No. 514-1 (citing Docket No. 458). "Any request to seal must also be 'narrowly tailored'
20 to remove from the public sphere only material that warrants secrecy." *Harper v. Nev. Prop. I,*
21 *LLC*, 552 F. Supp. 3d 1033, 1040-41 (D. Nev. 2021) (citing *Ervine v. Warden*, 214 F. Supp. 3d
22 917, 919 (E.D. Cal. 2016)). To the extent any confidential information can be easily redacted
23 while leaving meaningful information available to the public, the Court must order that redacted
24 versions be filed rather than sealing entire documents. *See Foltz v. State Farm Mut. Auto. Ins. Co.*,
25 331 F.3d 1122, 1137 (9th Cir. 2003); *see also in re Roman Catholic Archbishop of Portland in*
26 *Ore.*, 661 F.3d 417, 425 (9th Cir. 2011). While good cause exists for secrecy of the settlement
27 information itself, per the Court's prior order, PlayUp provides no explanation as to why sealing
28 is warranted for this entire exhibit of deposition testimony, much of which appears on its face not

1 to be confidential or sensitive. *See* Docket No. 511-1 at 76-85. No showing has been made, for
 2 example, with respect to testimony regarding whether PlayUp's signatory of that settlement
 3 agreement remembers signing it or having it approved by the board.¹ In short, the Court will allow
 4 secrecy as to this exhibit only in the form of redactions to the specific information related to the
 5 terms of the settlement agreement.

6 With respect to the other 19 exhibits, the Court has been provided no factual showing that
 7 good cause exists for sealing. Instead, the sole basis for the sealing request is that non-party FTX
 8 designated the information as confidential pursuant to the stipulated protective order, but that
 9 designation does not (standing alone) create a basis for sealing once the document is filed with the
 10 Court. *See* Docket No. 566 at 2 (warning of the need to make a factual showing); *see also, e.g.,*
 11 *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1133 (9th Cir. 2003) ("a party seeking the
 12 protection of the court via a blanket protective order typically does not make the 'good cause'
 13 showing required by Rule 26(c) with respect to any particular document"). Having been provided
 14 no particularized showing of good cause, sealing is not warranted as to exhibits 21-26, 28, 29, 31,
 15 32, 34, 44, 46, 49, 50, 52-55, and 57.

16 Accordingly, the motion to seal is **GRANTED** in part and **DENIED** in part. The Clerk's
 17 Office is **INSTRUCTED** to continuing maintaining under seal Docket No. 511-1.² Counsel must
 18 immediately confer on the redactions that are appropriate with respect to Exhibit 33, and Mintas
 19 must refile that appendix with the limited redactions allowed herein by October 4, 2024. The
 20 Clerk's Office is **INSTRUCTED** to unseal Docket No. 511.

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23 ¹ There is a corresponding redaction in the underlying motion as to this specific
 24 information. That redaction in the motion is unwarranted given that no showing of good cause has
 25 been made as to whether PlayUp's signatory of that settlement agreement remembers signing it or
 having it approved by the board. *See* Docket No. 509 at 11 n.4. As no showing of good cause has
 been made for any of the redactions in the underlying motion (Docket No. 511), the Court is
 ordering it unsealed.

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² This document is an omnibus PDF combining multiple exhibits into a single document, which violates Local Rule IC 2-2(a)(3)(A). Because Mintas violated the local rules, the Court cannot herein unseal those particular exhibits for which good cause was not shown. Instead, Mintas will need to refile all of these exhibits with the limited redactions that are permitted for exhibit 33.

In addition to the above, counsel are again **CAUTIONED** that they must comply with the local rules, including Local Rule IC 2-2(a)(3)(A). *See also, e.g.*, Docket No. 178 at 1 n.1.

IT IS SO ORDERED.

Dated: September 26, 2024

Nancy J. Koppe
United States Magistrate Judge